



CITY OF HART
407 S. STATE ST.
HART, MI 49420
COUNCIL PROCEEDINGS
MARCH 14, 2017, 7:30 P.M.

PRESENT: Mayor Ron LaPorte, Councilors: Fred Rybarz, Rob Splane, Jack Wittman, Joe Frontiera and Karen Thomson.

ABSENT: Jason La Fever

OTHERS PRESENT: City Manager – Stan Rickard, City Attorney - Julie Springstead-Waltz, Chief of Police – Juan Salazar, and Deputy Clerk - Cheri Eisenlohr.

Mayor LaPorte called the meeting to order at 7:30 p.m. and following roll call, he then opened with the Pledge of Allegiance.

A motion was made by Mr. Wittman to approve the first amended agenda and supported by Mr. Splane. The minutes from the February 28, 2017, regular meeting were approved as printed, motioned by Mr. Splane, supported by Ms. Thomson. All ayes, motions carried.

PUBLIC COMMENTS, CORRESPONDENCE, EVENTS, PRESENTATIONS:

Email response from the DEQ regarding the Water Quality Study, the City will be receiving a letter from them sometime next week with their decision. The Council will be advised when the letter is received.

DEPARTMENT REPORTS:

- Police Chief, Juan Salazar, asked the Council for their approval to start a Facebook page to alert the community to upcoming events, communication purposes and to widen the scope of their involvement in the community. The Council gave their approval as long as the public does not have the ability to post directly on the wall.
- Mr. Rickard stated that Paul Cutter was attending a conference this week. The other departments have been busy, he mentioned that the Council should look at the renovation of the restrooms in City Hall.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES:

None

BILLS, CLAIMS, PAYROLL:

Mr. Rickard brought the following bills to the attention of the Council:

Reliant Cleaning: \$461.00 – Mr. Rickard would like to increase the cleaning from two times per week to three times with the Library splitting the cost for the Community Center portion. He will also be seeking new bids for a cleaning service.

West Michigan Carpet: \$3,094.23 – tile for the restroom renovations.

BS&A: \$24,100.00 – Final payment for the software upgrade.

Bills totaled: **\$249,068.96**

A motion was made by Mr. Splane and supported by Ms. Thomson to approve the payables and payroll in the amount stated.

Ayes 6 Nay 0 Absent 1

Discussion: Mayor LaPorte commented on the bill from Mike’s Auto Body, that he would still like accident reports placed in employee’s files. Chief Salazar gave the history on the accident that occurred with Officer Caverner.

ACTION ITEMS:

City Manager, Stan Rickard presented the following:

RESOLUTION 17-15
City Council
City of Hart, Michigan
Oceana County
REDEVELOPMENT READY COMMUNITIES (RRC)

WHEREAS, the Michigan Economic Development Corporation (MEDC) is promoting a Redevelopment Ready Communities (RRC) program that would encourage communities to adopt best practices and seek RRC certification; and

WHEREAS, the City of Hart Planning Commission has engaged planning consultant Williams&Works (Grand Rapids) to assist the City with the certification process; and

WHEREAS, the City of Hart has completed preliminary RRC requirements; and

WHEREAS, the City Council desires to secure the benefits of efficient self-government and to promote and protect our common interests and welfare;

NOW THEREFORE BE IT RESOLVED THAT THE HART CITY COUNCIL:

Declares its intent to participate in the MEDC 'Redevelopment Ready Communities' certification program sponsored by the Michigan Economic Development Corporation.

Authorizes and directs the City Manager to engage the City in the RRC certification process on behalf of the City of Hart.

Moved by Mr. Splane, supported by Ms. Thomson, and thereafter adopted by the City of Hart, Michigan City Council at a regularly scheduled meeting held on Tuesday, March 14, 2017.

Ayes: 6 Nays: 0 Absent: 1

I hereby certify this to be a true and correct copy of the document on file with the office of the City of Hart Clerk.

Cheryl Abson, City Clerk

Discussion: Mr. Splane stated that there is little to no cost to the City to be involved in this program. There is no downside for the City. Mr. Rickard did clarify that they would use the services of David Jirousek with Williams&Works.

RESOLUTION 17-16 (revised)
City Council
City of Hart, Michigan
Oceana County
INFRASTRUCTURE CAPACITY ENHANCEMENT (ICE)
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION

WHEREAS, on February 10, 2017 the Michigan Economic Development Corporation announced another round of Infrastructure Capacity Enhancement (ICE) grants to eligible Michigan communities through the CDBG Program; and

WHEREAS, City is eligible to apply for ICE grants, has identified projects that meet grant guidelines, and has matching funds available; and

WHERE, maximum grants are \$2,000,000 and \$500,000, respectively; and total grant funds available are \$20,000,000; and

WHEREAS, grant application is due on April 7, 2018; grant offers will be announced on May 5, 2017; project must be bid by February, 2018; construction must start by July, 2018; and project must be completed by December 31, 2019; and

WHEREAS, the City Council desires to secure the benefits of efficient self-government and to promote and protect our common interests and welfare;

NOW THEREFORE BE IT RESOLVED THAT THE HART CITY COUNCIL:

Approves and authorizes an Infrastructure Capacity Enhancement (ICE) grant application to the Michigan Economic Development Corporation (MEDC) for the 2018 Street, Water, Sewer, and Parking Improvement Program for street, water main, sewer main and sidewalk improvements on Water Street, Jefferson Street, Courtland Street, and Wood Street; water main improvement on Oceana Drive; and parking improvements at City Hall & Library at an estimated cost of \$1,775,000.

Approves and authorizes a local match of up to \$600,000.

Authorizes and directs the City Manager to prepare and sign the ICE grant application and submit to the MEDC on or before April 7, 2017.

Moved by Mr. Rybarz, supported by Mr. Frontiera, and thereafter adopted by the City of Hart, Michigan City Council at a regularly scheduled meeting held on Tuesday, March 14, 2017.

Ayes: 6 Nays: 0 Absent: 1

I hereby certify this to be a true and correct copy of the document on file with the office of the City of Hart Clerk.

Cheryl Abson, City Clerk

Discussion: The City engineers, Prein&Newhof, recommend combining the Oceana Drive water main project with the Courtland/Jefferson St., Street/Sidewalk/Sewer Project. Mr. Rickard feels that the City's chances are excellent to be awarded the grant. The City will have to have a Capital Improvement Program in place to qualify, Mr. Rickard stated that this is not difficult to accomplish and he will be working on it next week.

RESOLUTION 17-17
City Council
City of Hart, Michigan
Oceana County
INDUSTRIAL PARK WATER TANK REPAIR & REPAINT PROJECT
BID & AWARD PHASE

WHEREAS, the City of Hart owns, operates and maintains a municipal water supply system including two elevated water storage tanks; and

WHEREAS, the City constructed the Industrial Park Water Tank in the mid-1990s; and in 2012 the City retained Dixon Engineering (Lake Odessa) to inspect and report on tank condition; and City requested a 2016 re-inspection and report; and the 2016 report confirms the need to perform repairs and repaint the exterior surface; and

WHEREAS, Dixon Engineering has completed the specifications and contract documents for the project; and the City has sufficient cash reserves to complete this project in 2017; and

WHEREAS, the City Council desires to secure the benefits of efficient self-government and to promote and protect our common interests and welfare;

NOW THEREFORE BE IT RESOLVED THAT THE HART CITY COUNCIL:

Approves and authorizes the bid and award phase for the Industrial Park Water Tank Repair & Repaint Project.

Authorizes and directs the City Manager to present the bid results and an award recommendation at a future City Council meeting.

Moved by Mr. Frontiera, supported by Mr. Rybarz, and thereafter adopted by the City of Hart, Michigan City Council at a regularly scheduled meeting held on Tuesday, March 14, 2017.

Ayes: 6 Nays: 0 Absent: 1

I hereby certify this to be a true and correct copy of the document on file with the office of the City of Hart Clerk.

Cheryl Abson, City Clerk

Discussion:

RESOLUTION 17-18
City Council
City of Hart, Michigan
MICHIGAN DEPARTMENT OF NATURAL RESOURCES GRANT AMENDMENT TO
RECREATION BOND FUND PROGRAM
PROJECT AGREEMENT BF90-247, 1 DUE TO CONVERSION

WHEREAS, the City of Hart a secured Michigan Department of Natural Resources (MDNR) recreation grant in the early 1990s to construct the Oceana County Council on Aging (OCCOA) facility at 621 E. Main Street, Hart; and OCCOA successfully operated the facility for nearly 25 years; maintains a Board of Directors; retains professional staff; operates a County-wide transportation system; and operates a food service facility; all at no cost to the City of Hart; and OCCOA desired to expand the facility to serve a growing seniors population; and has commenced a capital campaign to fund the project; and City-ownership of the facility unnecessarily burdens OCCOA in their endeavors; and the City desires to transfer ownership to OCCOA, a property 'conversion'; and due to MDNR rules the property transfer cannot proceed unless the City provides 'mitigation' property to compensate for the 'conversion' or loss of recreational property to private use; and pursuant to the adoption of Resolution 15-52 adopted on August 11, 2015 City Council agreed to sell the aforementioned property to OCCOA for \$1.00; and pursuant to Resolution 16-34 adopted on May 24, 2016 the City acquired a mitigation property at 2 N. State Street located adjacent to Veterans Park on Hart Lake; and the MDNR required additional property be so designated; and pursuant to Resolution 17-09 adopted on March 14, 2017 that declared Veterans Park on Hart Lake be designated additional mitigation property for the 621 E. Main Street conversion to private use; and

WHEREAS, the MDNR requires a grant amendment to Recreation Bond Fund Program Project Agreement BF90-247 due to Conversion; and

WHEREAS, in order to secure the benefits of efficient self-government and to promote and protect our common interests and welfare, the City Council hereby declares:

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

Accepts and approves a grant amendment to Recreation Bond Fund Program Project Agreement BF90-247, 1.

Approves, authorizes and directs the City Manager to sign the aforementioned grant amendment on behalf of the City of Hart.

Moved by Mr. Splane, supported by Mr. Thomson, and thereafter adopted by the Hart City Council at a regular council meeting held on Tuesday, March 14, 2017.

Ayes 6 Nays 0 Absent 1

I hereby certify this to be a true and correct copy of the document on file with the office of the City of Hart Clerk.

Cheryl Abson, City Clerk

Discussion: Clarification was made that this was not a "sale" and therefore, does not violate the City Charter as the City still holds the deed on it.

RESOLUTION 17-19
City Council
City of Hart, Michigan
Oceana County
TAX LIEN DELINQUENT UTILITY ACCOUNTS

WHEREAS, the City of Hart owns, operates and maintains municipal electric, water and sewer utilities; and

WHEREAS, the City administers customer billing and collection systems to fund the costs associated with operating and maintaining the aforementioned utilities; and

WHEREAS, delinquent customer accounts are sometimes uncollectable using traditional methods; and

WHEREAS, State of Michigan statutes pursuant to Public Act No. 94 of 1933 (MCL 141.101 et seq.) allow municipal utilities to lien properties to collect delinquent accounts through the taxing authority of municipalities; and in accordance with City of Hart Ordinance No. 2016-02 adopted March 22, 2016 the City of Hart has the authority to lien properties for delinquent utility accounts; and

WHEREAS, in order to secure the benefits of efficient self-government and to promote and protect our common interests and welfare, the City Council hereby declares:

NOW THEREFORE BE IT RESOLVED THAT HART CITY COUNCIL:

Declares electric, water and sewer accounts delinquent in accordance with the aforementioned statute and ordinance for the following customer, account number, property number and owner as follows:

CUSTOMER	ACCOUNT NO.	PROPERTY NO.	ADDRESS	ELECTRIC	WATER	SEWER	TOTAL
COMMERCIAL ACCOUNTS							
None							
RESIDENTIAL ACCOUNTS							
Mitchell Gamble - Owner							
J. Hudson	GR10-000015-0000-06	64-020-147-014-10	15 Griswold	\$ 81.74	\$ 3.66	\$ 15.92	\$ 101.32
B. Petty	GR10-000015-0000-07			\$ 6.01	\$ 1.21	\$ 4.81	\$ 12.03
S. Gale	GR10-000015-0000-09			\$ 119.01	\$ 21.02	\$ 82.82	\$ 222.85
				\$ 206.76	\$ 25.89	\$ 103.55	\$ 336.20
Ryan Malburg - Owner							
S. Lopez	GR10-000018-0000-03	64-020-149-001-50	18 Griswold	\$ 148.57	\$ 17.84	\$ 59.84	\$ 226.25
Stevens Apartments							
A. Arroyo-Lopez	CH20-000509-0001-11	64-020-318-002-00	509 Church	\$ 62.93	\$ -	\$ -	\$ 62.93
J. Tienda	Ch20-000509-0001-14			\$ 231.81	\$ -	\$ -	\$ 231.81
				\$ 294.74	\$ -	\$ -	\$ 294.74

**C.
Huizenga -
Owner**

T. Salliotte	GR10-000812-0000-09	64-020-336-003-00	812 Griswold	\$ 23.33	\$ 2.01	\$ 8.76	\$	34.10
--------------	---------------------	-------------------	--------------	----------	---------	---------	----	-------

**Pat Gamble
- Owner**

S. Brose	AP10-000205-0000-08	64-020-521-012-00	205 S. Apple	\$ 10.48	\$ 0.41	\$ 1.76	\$	12.65
R. Huron	AP20-000205-0000-07			\$ 148.30	\$ 13.70	\$ 59.56	\$	221.56
				\$ 158.78	\$ 14.11	\$ 61.32	\$	234.21

**M. Fiolle -
Owner**

	AP10-001117-0000-06	64-020-570-007-00	117 Apple	\$ 36.68	\$ -	\$ -	\$	36.68
--	---------------------	-------------------	-----------	----------	------	------	----	-------

MIRAD

C. Worth	RI10-000113-0000-04	64-020-611-018-00	113 Riverside	\$ 123.15	\$ 13.58	\$ 55.28	\$	192.01
----------	---------------------	-------------------	---------------	-----------	----------	----------	----	--------

**ZOE Prop.
LLC**

M. Gallegos	CO10-000315-0000-05	64-020-720-008-00	315 S. Courtland	\$ 54.28	\$ 8.74	\$ 30.91	\$	93.93
-------------	---------------------	-------------------	------------------	----------	---------	----------	----	-------

**Patrick
Ahrens &
R. Hawley -
Owners**

C. Samuels	CO10-000316-0000-10	64-020-721-005-00	316 S. Courtland	\$ 88.00	\$ 10.27	\$ 44.66	\$	142.93
------------	---------------------	-------------------	------------------	----------	----------	----------	----	--------

**Dan
Leimback -
Owner**

G. Cruz	CO10-000507-0002-11	64-020-730-008-00	507 S. Courtland	\$ 57.58	\$ 6.01	\$ 16.33	\$	79.92
---------	---------------------	-------------------	------------------	----------	---------	----------	----	-------

**James
Kumzi -
Owner
Stayed in
owner's
name**

	CO10-000511-0000-03	64-020-730-009-00	511 Courtland	\$ 54.23	\$ 5.81	\$ 22.96	\$	83.00
--	---------------------	-------------------	---------------	----------	---------	----------	----	-------

**MLP Prop.
LLC**

M. Cater	WO10-000314-0000-05	64-020-733-012-00	314 Wood	\$ 289.25	\$ 24.26	\$ 104.06	\$	417.57
----------	---------------------	-------------------	----------	-----------	----------	-----------	----	--------

**Reyna Guel
- Owner**

R. Guel	DR10-000619-0000-09	64-020-735-011-00	619 Dryden	\$ 74.19	\$ 11.49	\$ 43.02	\$	128.70
---------	---------------------	-------------------	------------	----------	----------	----------	----	--------

D. Cruz	DR10-000619-0000-10			\$ 8.35	\$ 5.75	\$ 25.01	\$ 39.11
				\$ 82.54	\$ 17.24	\$ 68.03	\$ 167.81

Jesus Salinas - Owner

D. Ryder	CO10-000714-0000-12	64-020-737-002-00	714 S. Courtland	\$ 101.61	\$ 13.58	\$ 59.04	\$ 174.23
----------	---------------------	-------------------	------------------	-----------	----------	----------	-----------

Country Cribs

L. McNerney	DR10-000810-0000-05	64-020-740-004-00	810 Dryden	\$ 129.34	\$ 28.91	\$ 118.77	\$ 277.02
-------------	---------------------	-------------------	------------	-----------	----------	-----------	-----------

TOTAL OF RESIDENTIAL ACCTS: \$ 1,848.84 \$ 188.25 \$ 753.51 \$ 2,790.60

Authorizes, approves and directs a tax lien in the total amount stated herein against the aforementioned customer, account number, owner, and property number; and directs the City Clerk-Treasurer or City Deputy Clerk-Treasurer to file a tax lien there upon.

Moved by Mr. Splane, supported by Frontiera, and thereafter adopted by the City of Hart, Michigan City Council at a regularly scheduled meeting held on Tuesday, March 14, 2017.

Ayes: 6 Nays: 0 Absent: 1

I hereby certify this to be a true and correct copy of the document on file with the office of the City of Hart Clerk.

Cheryl Abson, City Clerk

Discussion: None

**RESOLUTION 17-20
City Council
City of Hart, Michigan
Oceana County
FAÇADE GRANT AGREEMENT
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)**

WHEREAS, on March 8, 2017 the Michigan Economic Development Corporation awarded a Façade Improvement Grant to the City of Hart through the CDBG Program; and

WHEREAS, the City Council desires to secure the benefits of efficient self-government and to promote and protect our common interests and welfare;

NOW THEREFORE BE IT RESOLVED THAT THE HART CITY COUNCIL:

Authorizes and accepts the Façade Improvement Grant in the amount of \$212,750.

Authorizes and directs the City Manager to sign the grant on behalf of the City of Hart...

Moved by Ms. Thomson, supported by Mr. Splane, and thereafter adopted by the City of Hart, Michigan City Council at a regularly scheduled meeting held on Tuesday, March 14, 2017.

Ayes: 6 Nays: 0 Absent: 1

I hereby certify this to be a true and correct copy of the document on file with the office of the City of Hart Clerk.

Cheryl Abson, City Clerk

Discussion: None

SPECIAL EVENTS PERMIT:

None

DISCUSSION ITEMS:

Mr. Rickard reported on:

- Former Hart Cherry Packers (Big Green) Building – Asbestos Inspection & Removal – Report is enclosed. Prein&Newhof will work on putting a bidding package together for the removal of the building.
- John Gurney Park Playground – The Park Committee has narrowed down the options to three from two different vendors, all in the \$80,000.00 range. The vendors, Playworld Midstates and Great Lakes Recreation Co., will attend a Park meeting on March 27th to answer questions that the Park Committee may have and to narrow down the options that they have presented. Hopefully, the committee will have a recommendation ready for the Council on the 28th of March.

CITY MANAGER REPORT:

- 8 month budget report provided. The City is doing well in both income and expenses.

ATTORNEY REPORT:

- Entered Closed Session at 8:23 pm and returned to Open Session at 8:45 pm. Motion was made by Mr. Splane and supported by Mr. Wittman to enter Closed Session. All Ayes.
- Mr. Rob Splane made the motion to negotiate the property acquisition with Longcore and was supported by Mr. Frontiera. All ayes, motion carried.
- Mr. Fred Rybarz made the motion to address a possible purchase of the Walker Restaurant property with Ms. Salazar, the motion was supported by Ms. Thomson, All ayes, motion carried.

COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

Mr. Rybarz brought up the request form Police Chief, Juan Salazar, to obtain a new police unit and two more full-time officers. Mayor LaPorte supported the Chief's request but felt that one officer would be more likely than two, he stressed that it was very difficult to get part-timers to fill open shifts and not just for the City of Hart, it is happening at other agencies as well. He also supports raising the wages of the part-timers to \$15.00 per hour to start. The police unit replacement is a normal three year/100,000 mile commitment that the City follows, and it will be purchased in late summer when the new budget is in place. Mr. Rybarz would like to extend that by one more year. Chief Salazar will be making a formal presentation to the Council regarding his requests.

Jack Wittman brought up a discussion about flashing signs downtown. He does not feel that they are needed downtown. The Mayor stated that a resolution was still a ways off and hopes that all parties come to an agreement about the issue.

ADJOURNMENT:

There being no further business to come before the council, the meeting was adjourned at 8:23 p.m., upon motion by Ms. Thomson and supported by Mr. Splane. The next meeting will be held on March 28th, 2017, 7:30 p.m.